

**Notice of Allowability**

Application No.

10/092,328

Examiner

David G. Cervetti

Applicant(s)

CARLSON, DAVID A.

Art Unit

2136

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/8/2007.
2. ☒ The allowed claim(s) is/are 8,11,12,21,23,24,28-30,39 and 42-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

David Garcia Cervetti

### DETAILED ACTION

1. Applicant's arguments filed January 8, 2007, have been fully considered.
2. Claims 1,4-8, 11-13, 15-21, 23-30, 32, 35-39, 42-44 are pending and have been examined. Claims 2, 3, 9, 10, 14, 22, 31, 33, 34, 40, and 41 have been canceled.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney of record Daniel M. De Vos, Registration No. 37,813, on March 30, 2007.

Examiner initiated interview has been held to inform of allowable subject matter and request for canceling non-allowable claims.

4. Examiner cancels claims 1, 4-7, 13, 15-20, 25-27, 32, and 35-38.

Claim 1. (canceled)

Claim 4. (canceled)

Claim 5. (canceled)

Claim 6. (canceled)

Claim 7. (canceled)

Claim 13. (canceled)

Claim 15. (canceled)

Claim 16. (canceled)

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Claim 17. (canceled)

Claim 18. (canceled)

Claim 19. (canceled)

Claim 20. (canceled)

Claim 25. (canceled)

Claim 26. (canceled)

Claim 27. (canceled)

Claim 32. (canceled)

Claim 35. (canceled)

Claim 36. (canceled)

Claim 37. (canceled)

Claim 38. (canceled)

***Allowable Subject Matter***

5. The following is an examiner's statement of reasons for allowance:

- claims 8, 11, 12, 21, 23, 24, 28-30, 39, and 42-44 are allowed;
- regarding independent claims 8, 21, 28, and 39, the combination of prior art of record does not expressly disclose "swapping the data from the first access; data ciphering a first portion of the plaintext based on the swapped data from the first access; performing a second access of data from the data structure prior to the swapping of the data from the first access; performing the following, upon determining that the data from the first access does not equal the data from the second access, swapping the data from the second access;

and data ciphering a second portion of the plaintext based on the swapped data from the second access in an iteration including data ciphering a first portion of the plaintext based on the swapped data from the first access; and swapping the data from the second access” (claims 8 and 39) or “a RC4 unit to receive the data cipher operation, wherein the RC4 unit is to swap data stored in the S-box for data ciphering of a first portion of the plaintext wherein the RC4 unit is to read data stored in the S-box for data ciphering of a second portion of the plaintext, prior to completion of the swapping of data stored in the S-box for data ciphering of the first portion of the plaintext, and wherein the RC4 unit is to data cipher the second portion of the plaintext upon determining that the data being swapped in the S-box does not equal the data being read from the S-box” (claims 21 and 28) in combination with the other limitations recited in independent claims 8, 21, 28, and 39;

- claims 11 and 12, 23 and 24, 29 and 30, and 42-44 are allowed because of their dependence from independent claims 8, 21, 28, and 39 respectively.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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**Conclusion**


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

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